

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

§

vs.

§

Case No. 4:05cr198
(Judge Crone)

ADAM WYATT (14)

§

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on December 16, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Randall Blake.

On June 30, 2006, Defendant was sentenced by the Honorable Ron Clark to eight-seven (87) months followed by five (5) years of supervised release for the offense of Conspiracy to Manufacture, Distribute or Possess with Intent to Manufacture, Distribute or Dispense Methamphetamine. On March 14, 2011, Defendant completed his period of imprisonment and began service of his supervised term. On January 16, 2013, this case was reassigned to the Honorable Marcia A. Crone.

On October 16, 2013, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory condition: the defendant shall refrain from any unlawful use of a controlled substance. The petition also alleged violation of the following standard condition: the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician. The Government dismissed the remaining violations.

The petition alleges that Defendant committed the following acts: (1) On September 11, 2012, the Defendant submitted a urine specimen that tested positive for methamphetamine. The Defendant admitted using methamphetamine and signed an admission; (2) on January 9, 2013, the Defendant submitted a urine specimen that tested positive for methamphetamine. The Defendant admitted using methamphetamine between December 14, 2012, until January 4, 2013, and signed an admission.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining two violations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months and one day with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 17th day of December, 2013.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE